

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

IN RE:) **Case No. 08-35653-KRH**
) **Chapter 11**
CIRCUIT CITY STORES, INC., et al.,)
)
Debtors.) **(Jointly Administered)**

**LIMITED OBJECTION OF PAN AM EQUITIES TO DEBTORS' MOTION FOR ORDER
PURSUANT TO BANKRUPTCY CODE SECTIONS 105 AND 502 AND BANKRUPTCY
RULE 2002, 3003(C)(3), AND 9007 SETTING GENERAL BAR DATE AND PROCEDURES
FOR FILING PROOFS OF CLAIM**

Pan Am Equities, Inc. ("Pan Am"), a creditor of Debtor, Circuit City Stores, Inc. ("Debtor"), and lessor at Oakland Pointe Shopping Center in Pontiac, Michigan, Store No. 1880 ("Property"), objects in part to the motion of debtors for order pursuant to bankruptcy code sections 105 and 502 and bankruptcy rule 2002, 3003(c)(3), and 9007 (I) Setting general bar date and procedures for filing proofs of claim ("Motion").

1. The Motion would establish a bar date for filing claims but also establish procedures not found in the Bankruptcy Code and Rules, including filing claims with a non-government entity and final disallowance of a claim that does not comply with all of the Debtors' procedures.

2. Pan Am does not object generally to setting a Bar Date for claims pursuant to the Bankruptcy Code but objects to portions of the Motion which alter and restrict the rights and protections afforded to claimants by the Bankruptcy Code.

3. The Motion, at paragraph 17, seeks to establish a procedure to "forever bar, estop and enjoin" claims on a basis that is unfairly inflexible and binding. The Bankruptcy Code and

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Rules provide procedures to allow or disallow claims, as well as procedures for reconsideration of claims. There is no authority, much less reason, for the Debtors to establish their own remedies, procedures and one-sided protections in contravention of statutory law, local practice and case law jurisprudence. The Debtor's procedure abrogates the due process afforded to claimants under the Bankruptcy Code.

4. The Motion, at paragraph 22, incorrectly states that Rule 9007 allows the court to establish the types of procedures and consequences the Debtors seek. That Rule concerns only the Court's establishing form and manner of notices; it does not provide for amendment to the Bankruptcy Code.

5. From experience, the claims process in a large bankruptcy case can be difficult, especially where there are multiple debtors. The process is open to unrepresented parties to file claims, for the policy of judicial efficiency and economy. This policy is thwarted by the new and confusing procedures the Debtors wish to establish.

6. The Bankruptcy Code establishes the requirements for filing supporting documents. The Debtors should not be allowed to craft their own requirements.

7. The Debtors should not be allowed to abrogate a party in interest's access to the Court by the electronic filing process; the Motion implies that parties will not be able to avail themselves of the very Court with jurisdiction over the claims by filing there.

8. Pan Am Equities reserves such further rights and protections as may become an issue as to the claims filing process.

WHEREFORE Pan Am Equities objects to the Court granting the Motion unless the process is adjusted consistent with this objection, and for such other and further relief as this court deems equitable and just.

DATED this 3rd day of December, 2008.

PAN AM EQUITIES, INC.

By: /s/ David A. Greer
David A. Greer, of counsel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 3, 2008, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day by transmission of Notice of Electronic Filing generated by CM/ECF to those parties registered to receive electronic notices of filing in this case.

/s/ David A. Greer
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